

BOROUGH OF PEAPACK & GLADSTONE

LAND USE BOARD

June 20, 2018

Opening Statement: Adequate notice of this meeting of the Land Use Board of the Borough of Peapack & Gladstone was given to the Courier News on January 10, 2018 and was posted at the Municipal Complex, 1 School Street, Peapack; The Peapack Post Office, 155 Main Street, Peapack; and the Gladstone Post Office, 266 Main Street, Gladstone, New Jersey on January 10, 2018.

Salute to the Flag

Roll Call:

Present:

Greg Yannaccone, Chairman
Mayor William Muller
Mark Corigliano, Councilman
Susan Rubright
Chris Downing
David DiSabato
Judy Silacci
Kingsley Hill
Peter Sorge, Alternate # 1
James Heck, Alternate # 2

Absent:

Joan Dill, Class IV
Lisa Saunders, Alternate # 3
William Ryden, Borough Engineer
John Szabo, Borough Planner
Matt Sutte, Alternate # 4

Also Present:

Roger Thomas, Esq. Board attorney

Meeting convened at 7:00 p.m.

• **Resolution to be adopted:**

P-G- Residential Developers, L.L.C. – Block 33, Lot 10, 11, 11.01 & 13 (the “Property”) Application for extension of Zoning Protection (the “Application”)

Board attorney Roger Thomas reviewed the proposed resolution. Ms. Silacci moved to adopt the resolution; Chairman Yannaccone seconded the motion which was passed by the following roll call vote:

AYES: Yannaccone; Rubright; Silacci; Muller; Corigliano; Downing; DiSabato; Sorge and Heck.

NAYS: None

Agreement between the Borough of Peapack and Gladstone and SJP Properties.

Board attorney Roger Thomas explained the agreement with SJP Properties and that when ordinance 1059-18 is adopted, the Land Use Board will be involved. 14 affordable units will be required. Councilman Corigliano explained that the ordinance should be forwarded to the Land Use Board shortly. He went on to explain the recent hearing before

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the judge who acknowledged that they are in compliance with the settlement agreement; however this does not end the process. They will be in the process of adopting a housing element and fair share plan followed by ordinances which will be addressed by the Land Use Board. A new ordinance for accessory apartments is being considered along with a marketing and spending plan by the Council. Concluding this discussion, both Mayor Muller and councilman Corigliano left the meeting.

• **PUBLIC HEARING/APPLICATION: - carried from June 6, 2018**

Michael J. Virzi – Block 26, Lot 6 – 16 Tainter Street – Application deemed complete 2-2-18. Toll time is July 1, 2018. *This meeting is for a vote on the ‘D’ variance. The application was carried from the June 6th meeting. Members eligible to vote:* Yannaccone; Rubright; Silacci; DiSabato; Downing; Kingsley Hill; Dill; Sorge; Heck; Saunders; Sutte

Roger Thomas asked if the applicant has any additional statements. Mr. Virzi was not present but his wife advised that there was nothing more to be said.

Chairman Yannaccone moved to withdraw the motion which was entertained at the June 6th meeting; Ms. Rubright seconded the motion which was passed by the following roll call vote of those members present at the June 6th meeting or qualified to vote after listening to the tapes of the meetings which were missed.

AYES: Yannaccone; Rubright; Silacci; Downing; Sorge; Heck

Abstain – Hill and DiSabato

NAYS: none.

Public portion was opened and closed since no one wished to make any comments.

Susan Rubright asked Roger Thomas to go over the standards for reviewing the variance request since there was no attorney representing the applicant during the hearing. Board attorney Roger Thomas reviewed the FAR variance request and went over cases that addressed this type of variance. He explained that all D variances have a higher standard; a FAR variance is a very high standard. He cited John Szabo’s report. He concurred that there is an increase in the sq. ft. but the applicant has attempted to modify the extent that it was increased by eliminating a portion of the existing building. There was a different architecture design from the first time heard. There is a reduction in the mass by the design of the roof line. If they prove the positive; they are required to address the negative. They must show that there is no detriment to the public good. Any variance is a detriment. Is there a substantial detriment in relation to the public good? What impact does it have on the neighborhood and the neighbors? He pointed out that two neighbors had no problem with the request. The question to be asked is does it do violence to the zoning ordinance or the master plan and does it maintain the village character. Mr. Thomas asked that a motion be made in the affirmative and also asked if the absent members had listened to the tapes of the two previous hearings. David DiSabato; Judy Silacci; Kingsley Hill and James Heck all listened to the tapes of the meetings which each had missed. Mr. Heck is not eligible to vote because of the number of members who can vote. The board members discuss the application and commented on the substantial improvement from the original plan which was submitted. The applicant had addressed

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the comments made by the board at the April 4th meeting and agreed to provide additional landscaping down the northern property line.

Chairman Yannaccone moved to approve the FAR variance; Ms. Rubright seconded the motion which was passed by the following roll call vote:

AYES: Yannaccone; Rubright; Silacci; Hill; DiSabato; Sorge

NAYS: Downing

Chairman Yannaccone moved to approve the three bulk variances; **1) Bulk variance to exceed the maximum building and lot coverage; 2) Bulk variance to permit a side yard setback of 8.7 feet where 15 feet is required for the proposed covered stair; 3) Bulk variance to permit a combined side yard setback of 29.3 feet where 35 feet is required.**

Kingsley Hill seconded the motion which was passed unanimously by the following roll call vote:

AYES: Yannaccone; Rubright; Silacci; Hill; DiSabato; Sorge; Downing and Heck

NAYS: None

- **MINUTES** - The June 6, 2018 minutes were approved as read.

There was some discussion regarding notice to the public. Ms. Rubright suggested that applications that are carried for an amount of time will need to renote the new hearing date. Mr. Thomas agreed and suggested that this apply to an application that has substantial changes made to it. The board will have to rely on both the board engineer Bill Ryden and the board planner John Szabo for this decision. The applicant will be advised that any substantial changes made will require a renote of the property owners and newspaper.

A motion to adjourn was made and seconded and the meeting was closed at 8:00 p.m.

Sarah Jane Noll
Secretary/Administrator